

GP 1653

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: SHAI et al

Application No.: 09/367,714

Filed: January 14, 2000

For: ANTIPATHOGENIC SYNTHETIC PEPTIDES AND COMPOSITIONS COMPRISING THEM

Art Unit: 1653

Examiner: D. Lukton

Washington, D.C.

Atty.'s Docket: SHAI=2

Date: January 4, 2001

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JAN 09 2001

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

TECH CENTER 1600/2000

Transmitted herewith is a [] Amendment [XX] RESPONSE TO RESTRICTION REQUIREMENT
in the above-identified application.

[] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
 [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
 [xx] No additional fee is required.
 [] The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20
INDEP.	*	MINUS	*** 3
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 9	\$	x 18	\$
x 39	\$	x 78	\$
+ 130	\$	+ 260	\$
ADDITIONAL FEE TOTAL		TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 55.00
 [] Second - \$ 190.00
 [] Third - \$ 435.00
 [] Fourth - \$ 680.00

Month After Time Period Set

[] Less fees (\$_____) already paid for ____ month(s) extension of time on _____.

Other Than Small Entity

Response Filed Within

[] First - \$ 110.00
 [] Second - \$ 380.00
 [] Third - \$ 870.00
 [] Fourth - \$ 1360.00

Month After Time Period Set

[] Please charge my Deposit Account No. 02-4035 in the amount of \$_____.

[] A check in the amount of \$_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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#14 1/12/01
T. Bray

UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SHAI=2

In re Application of:) Art Unit: 1653 **RECEIVED**
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SHAI et al.) Examiner: D. LUKTON **JAN 09 2001**
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Appln. No.: 09/367,714) Washington, D.C. **TECH CENTER 1600/2000**
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Filed: January 14, 2000) January 4, 2001
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For: ANTI PATHOGENIC SYNTHETIC)
PEPTIDES AND COMPOSITIONS)
COMPRISING THEM)

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Director
Washington, D.C. 20231

Sir:

The Office Action of December 12, 2000, primarily in the nature of a requirement for restriction, has been carefully reviewed.

Restriction has been required between what the examiner
deems to be three patentably distinct inventions, namely:

Group I, drawn to cytolytic agents of subgenus G3, and presently comprising claims 1-5, 7-12, and 18-26;

Group II, drawn to cytolytic agents of subgenus G2, and presently comprising claims 1, 15, 16, and 22-26; and

Group III, drawn to cytolytic agents of subgenus G1, and presently comprising claims 1, 15, 16, 18, and 22-26.

Applicants hereby elect without traverse Group I, subgenus G3, presently comprising claims 1-5, 7-12, and 18-26. In addition, applicants hereby elect without traverse the peptide 24 recited in claim 12 as the elected specie. Claims 1, 7-13, 18-20, and 22-26 read on the elected specie.

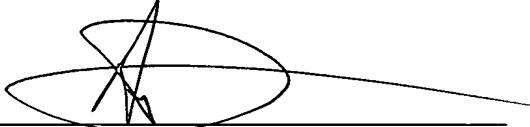
It is understood however that if the elected specie is found to be allowable, then all of the species of the generic claims will be examined.

Favorable consideration is respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By

A handwritten signature of Allen C. Yun, consisting of a stylized oval shape with a cross-like stroke through it.

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